

## REMARKS

Claims 1-26 and 28-30 are pending in the application. The Office Action of January 15, 2003 rejects claims 1-2, 3, 4-9, 10-15, 16-19 and 20-26 as obvious over Nelson, Shih and Bazaj. Claims 28-30 are rejected as obvious over Udwin in view of Shih.

First, it is noted that the Office Action relies on a combination of three (3) different references for the bulk of the rejections. The need for so many references suggests that the obviousness rejection is tenuous, at best. With three different references, many combinations of features other than what the Office Action has cited are possible, which would not approximate the claimed invention. The Examiner is specifically requested to point out where in the references there is a teaching or suggestion to combine these three (3) references in the manner suggested.

Claims 1 and 28 are amended to recite an ink receptive coating wherein the ink-receptive coating protects ink that has been written onto said cover from smudging or smearing after the ink has dried. There is no teaching or suggestion in the reference for this feature, which protects the ink after it has been written onto the photo album.

Enclosed for reference purposes in Exhibit 1 is a decision by the Board of Patent Appeals and Interferences allowing claims in a similar case, US Patent Application No. 09/836776, entitled "Drawable and/or Traceable Binder." A copy of the claims that the Board approved are also enclosed in Exhibit 2. The present application claims priority from and incorporates by reference the '776 application, which discloses on page 4, line 13 that the '776 application extends to albums.

New claim 30 closely follows claim 1 that the Board allowed in the '776 application.

It is respectfully submitted that the claims are in condition for allowance. A Notice of Allowance is respectfully requested so that a Notice of Appeal will not be

necessary. If the Examiner wishes to discuss this application further with an eye toward reaching agreement on allowable claim wording, please telephone the undersigned at 310-242-2731.

A three-month extension of time to respond to the Office Action is hereby requested. A fee for the extension, plus a supplemental amount for a petition to revive for unintentional abandonment is enclosed.

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



\_\_\_\_\_  
Scott R. Hansen  
Registration No. 38,486

SRH:dmm

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201